

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOELLYN M. WALSH,	:	CIVIL ACTION NO. 1:15-CV-706
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CAROLYN W. COLVIN, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 12th day of July, 2016, upon consideration of the report (Doc. 17) of Magistrate Judge Susan E. Schwab, recommending that the court vacate the decision of the administrative law judge and remand the above-captioned matter for further proceedings with respect to the application for disability insurance benefits of *pro se* plaintiff Joellyn M. Walsh (“Walsh”), wherein Judge Schwab opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and finds specifically that the administrative law judge erred by failing to consider Walsh’s mental health condition, including diagnoses of anxiety and psychosis, in determining Walsh’s residual functional capacity, (see Doc. 17 at 23-27), and wherein Judge Schwab recommends that the matter be remanded to the administrative law judge for a new administrative hearing, (see id. at 27), and it appearing that neither Walsh nor the Commissioner of Social Security (“Commissioner”) objects to the report, see FED. R. CIV. P. 72(b)(2), and that the Commissioner expressly waived the opportunity to do so, (see Doc. 18), and the court noting that failure to timely object to a magistrate judge’s conclusions “may

result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Schwab’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 17) of Magistrate Judge Schwab is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of plaintiff Joellyn M. Walsh and against the Commissioner as set forth in the following paragraph.
3. The Commissioner’s decision denying the application for disability insurance benefits of plaintiff Joellyn M. Walsh is VACATED. This matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 17) of Magistrate Judge Schwab.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania